

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-HC-2101-D

BARDOMIANO MARTINEZ,)
)
Petitioner,)
)
v.)
)
STATE OF NORTH CAROLINA,)
)
Respondent.)

ORDER

On July 22, 2019, Magistrate Judge Numbers issued a Memorandum and Recommendation (“M&R”) [D.E. 8]. In that M&R, Judge Numbers recommended that the court dismiss Bardomiano Martinez’s (“Martinez”) petition for a writ of habeas corpus [D.E. 4] and deny as moot Martinez’s “Ex-Parte Motion for an Investigator and to Suppress all Evidence and all Legal Determination” [D.E. 1]. Martinez did not object to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b)(1). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 8].

In sum, the court ADOPTS the conclusions in the M&R [D.E. 8], DISMISSES Martinez's petition [D.E. 4], and DENIES AS MOOT Martinez's "Ex-Parte Motion for an Investigator and to Suppress all Evidence and all Legal Determination" [D.E. 1]. The court finds that reasonable jurists would not find the court's treatment of Martinez's claims debatable or wrong and that the claims do not deserve encouragement to proceed any further. Accordingly, the court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 483–84 (2000). The clerk shall close the case.

SO ORDERED. This 17 day of December 2019.


JAMES C. DEVER III
United States District Judge